

10/594657
IAP2 Rec'd PCT/PTO 27 SEP 2006

**EXPRESS MAIL LABEL: EV 914569785 US
MAIL STOP PCT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: :
Hans Grundei :
: :
Conf. No.: Not Yet Assigned : Group Art Unit: Not Yet Assigned
: :
Appln. No.: Not Yet Assigned : Examiner:
: :
Int'l Appln. No.: PCT/EP2005/009075 :
: :
Int'l Filing Date: August 23, 2005 :
: :
Filing Date: Herewith : Attorney Docket No.: F0506-1US (E 2452 US)
: :
Title: SUBCUTANEOUS INTRAMUSCULAR MOUNTING FOR A RIGID
TRANSCUTANEOUS IMPLANT

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

Attached is the Information Disclosure Citation Form PTO/SB/08A, which lists documents that may be material to the patentability of this application and/or for which there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as an admission that any of the listed documents constitutes prior art, or as an admission against interest in any manner.

In accordance with the change to § 1.98 effective October 21, 2004, only copies of foreign patents and non-patent literature references cited herein, if any, are enclosed. However, copies of the cited U.S. patents and patent application publications will be provided upon request. In accordance with the official waiver posted September 21, 2004, wherein the U.S. Patent and Trademark Office officially waives the requirement under 37 C.F.R. § 1.98(a) for submitting copies of co-pending applications subject to image file wrapper (IFW) filed after June 30, 2003, respectively, we have not included copies of such cited co-pending applications subject to IFW, but copies will be provided on request.

This Information Disclosure Statement is pursuant to 37 C.F.R. § 1.97(b) and being filed

(i) within three months of the date of filing of the application or the entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application or (ii) prior to the mailing of a first Office Action on the merits or before the mailing of a first Office Action after the filing of a request for continued examination. No fee is required, however, should application of a fee be necessary, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-3541.

It is respectfully requested that this Information Disclosure Statement and the documents listed on the attached Form PTO/SB/08A and/or B be considered and acknowledged by the Examiner in connection with the above-identified patent application, be made of record therein, and that the listed documents be cited in the issued patent.

Respectfully submitted,

HANS GRUNDEI



LYNDA L. CALDERONE

Registration No. 35,837

FLASTER/GREENBERG P.C.

8 Penn Center

1628 John F. Kennedy Blvd., 15th Floor

Philadelphia, PA 19103

Telephone No.: 215-279-9393

Fax No.: 856-661-1919

Direct Dial: 215-279-9375

E-Mail: lynda.calderone@flastergreenberg.com

LLC:icr

Attachments: Form PTO/SB/08A (1 pages)

10/594657

IAP2 Rec'd PCT/PTO 27 SEP 2006

Form PTO/SB/08A INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete if Known</i>	
				Application Number	Not Yet Assigned
				Filing Date	Herewith
				First Named Inventor	Hans Grundei
				Group Art Unit	
				Examiner Name	
Sheet	1	of	1	Attorney Docket Number	F0506-1US

FOREIGN PATENT DOCUMENTS						
Exr Initials	Foreign Patent Document			Name of Applicant of Cited Document	Date of Publication of Cited Document MM-YYYY	T ₁
	Country Code	Number	Kind Code (if known)			
	DE	10040590	A1	ESKA Implants GmbH & Co. (U.S. COUNTERPART 6,843,808 B2)	03-2002	
	DE	10247397	B3	ESKA Implants GmbH & Co. (U.S. COUNTERPART 6,869,450 B2)	01-2004	
	EP	1378215	B1	ESKA Implants GmbH & Co.	01-2004	X
	EP	1559383	A2	ESKA Implants GmbH & Co.	08-2005	X

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS		
Exr Initials	Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or county where published.	T ₁

Examiner Signature	Date Considered
-----------------------	--------------------

T₁ - Place a check mark if complete document is in English; otherwise, place a letter "A" if only an English abstract is attached.